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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GRAY, LINDA L

ART UNIT PAPER NUMBER

1734

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/651,457

Applicant(s)

MIDDELSTADT ET AL.

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-23 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-8, and 18019 is/are rejected.
- 7) ☒ Claim(s) -4, 10-17, and 20-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

**Claim Rejections - 35 USC 102**

**1.** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**2. Claims 8 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Durber (EP 2143802).**

**Claim 8**, Durber teaches a method for feeding web material 26 onto a plurality of individual carton blanks 36 including **(a)** continuously introducing a web material onto vacuum roll 56, **(b)** cutting the web material at a location 68 on roll 56 to form lengths of web material 26, and **(c)** continuously applying each material 26 onto blanks 36. Durber teaches that cutting is controlled using variable speed drive 52 in that drive 52 controls the feeding of the strip material to the cutting operation, and the position of material 26 is placed on the correct position of substrate 36.

**Claim 18**, cutting of material 26 includes engaging roll 56 with rotary knife 66. **Claim 19**, the peripheral speed of knife 66 equals the peripheral speed of roll 56.

**Claim Rejections - 35 USC 103**

**3. Claims 1, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macdonald et al. (US 3,986,440) in view of Durber.**

**Claim 1**, Macdonald et al. teach a method for feeding a web material onto a plurality of individual carton blanks A including **(a)** introducing web material B roll 73, **(b)** advancing material B onto at least a portion of a foraminous peripheral surface of roll 73 (Fig 73), **(c)** cutting material B after it has advanced onto the portion to form lengths of

web material, and (d) introducing the lengths onto applicator roll 74 for advancing onto substrates A.

**Claim 1**, *Macdonald et al.* do not teach applicator roll 74 to be a vacuum roll but uses guard 79 to keep the length in the correct position and does not teach roll 73 to be a vacuum roll.

However, vacuum applicator rollers are conventionally used in the art of applying cut lengths of material to continuously moving substrates, such as in Durber, as an alternative to an outside guard such as guard 60 in Durber. Also, vacuum rollers are conventionally used in the art to hold webs thereagainst as the webs pass thereover, such as material B against roll 73 as such passes thereover.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Macdonald et al. that applicator 74 be a vacuum roll over using guard 79 to keep to cut lengths in the correct position because vacuum applicator rollers are conventionally used in the art of applying cut lengths of material to continuously moving s substrates, such as in Durber, as an alternative to an outside guard such as guard 60 in Durber where in Macdonald et al. a vacuum would also keep the tail end of the cut lengths tightly against roll 74 such that it does not deviate during application to blanks A.

Also, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Macdonald et al. that roll 73 be a vacuum roll as is conventionally used in the art to hold webs thereagainst as the webs pass thereover,

such as material B against roll 73 as such passes thereover, such that material B does not deviate away from roller 73 when roller 82 disengages.

**Claim 5**, Macdonald et al. teach controlling the timing of each cutting material B as to register the position of each length with a predetermined location for each length on each blank A. Specifically, see column 7 of the reference, last paragraph. **Claim 7**, Macdonald et al. teach identifying the predetermined location which is the leading edge of blank A (c 7, L 34-36) and sending this information to various controllers to control the cutting (c 7, L 36-50).

**Response**

**4.** Applicant's comments filed 2-22-05 have been fully considered. Applicants indicate that utilizing the timing of the cutting to ensure accurate placement of web material is not present in Durber. In response, Durber teaches controlling the timing of roll 56 and the timing of substrate 36 for correct placement of the cut lengths onto substrates 36 -- roll 54 rotates with as roll 56 to ensure blade 66 inserts into area 68 correctly for cutting. Thus, Durber teaches controlling the timing of cutting since the timing of rolls 54 and 56 is controlled, where such is for correct placement. Note also that Durber teaches that cutting of material 26 is also controlled using variable speed drive 52 in that drive 52 controls the feeding of material 26 to the cutting operation, and if material 26 is not present the cutting will not occur.

Applicants indicate that in Macdonald, for claim 1, roll 73 does not carry the web material on its surface. In response, Applicants are referring to the limitation in claim 1 of advancing the web material on at least a portion of the surface of a vacuum roll. The web material of Macdonald is advanced onto at least a side portion of the surface, as shown in the drawings, while the web material is advanced through the nip of roll 73 and roll 82. That is all this limitation in claim 1 requires.

In view of Applicants amendments and comments, the other rejections have been withdrawn.

**Allowable Subject Matter**

**5. Claims 22-23 are allowed.**

**Claim 3, 4, 10-11, 12, 13-15, 16-17, and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in**

**independent form including all of the limitations of the base claim and any intervening claims.**

**6.** The following is a statement of reasons for the indication of allowable subject matter:

**claims 22-23:** Durber and Macdonald et al. do not teach cutting the substrates after the lengths of web material is introduced onto the substrate so that the web material forms a cutting edge,

**claim 3:** Macdonald et al. do not teach that the web material advances on 90 to 200 degrees of the surface of roll 73 prior to being cut,

**claim 4:** Macdonald et al. do not teach the web material to be adhesive tape where the process includes activating the adhesive on the tape as the tape advances onto the vacuum wheel applicator,

**claim 10:** Durber does not teach identifying the predetermined location for each length on each carton blank and supplying this location to a controller to control the timing of each cutting of the material 26,

**claim 12:** it would not have been obvious to a person of ordinary skill in the art to have provided in Durber that the length of each length-cut is continuously changed according to the length of the carton blanks because in Durber the lengths of the cuts are constant due to the feed of the web material using item 52 as well as the constant speeds of rolls 54 and 56,

**claim 13:** Durber does not teach that controlling the time of each cutting includes increasing a peripheral speed of the vacuum roll relative the to process speed of the blanks **to** decrease a spacing between the length, decrease a length of the lengths, or both,

**claim 16:** Durber does not teach controlling the timing of each cut by modifying the speed of roll 56 relative to the speed of the blanks, and

**claim 20:** Durber does not teach transferring the lengths to a vacuum wheel applicator from roll 56 after cutting for advancement onto the blanks.

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7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

**Conclusion**


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg   
May 16, 2005

  
LINDA GRAY  
PRIMARY EXAMINER